

AO 133

(Rev. 8/06) Bill of Costs

UNITED STATES DISTRICT COURT

District of Massachusetts

Barbara Deighton Haupt, Trustee of BD Realty

BILL OF COSTS

V.

Town of Wareham et al.

Case Number: 05-11745RWZ

Judgment having been entered in the above entitled action on 4/19/2007 against Town of Wareham,
 Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 250.00
Fees for service of summons and subpoena	98.90
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	0.00
Fees and disbursements for printing	2,955.10
Fees for witnesses (itemize on page two)	169.68
Fees for exemplification and copies of papers necessarily obtained for use in the case	0.00
Docket fees under 28 U.S.C. 1923	0.00
Costs as shown on Mandate of Court of Appeals	0.00
Compensation of court-appointed experts	0.00
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	0.00
Other costs (please itemize)	0.00
TOTAL	\$ 3,473.68

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☐ Electronic service by e-mail as set forth below and/or.
☒ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

Kristen M. Ploetz, Esq.

Name of Attorney:

For: Barbara Deighton Haupt, Trustee of BD Realty Trust

Date: 5/3/2007

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By:

Deputy Clerk

Date

AO 133

(Rev. 8/06) Bill of Costs

UNITED STATES DISTRICT COURT

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME, CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Steven G. Elliott	1	40.00	0	0.00	0	0.00	\$40.00
Lenore White	1	40.00	0	0.00	19	21.18	\$61.18
Bradley C. McKenzie	1	40.00	0	0.00	60	28.50	\$68.50
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$169.68

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-11745RWZ

BARBARA DEIGHTON HAUPT, Trustee)
of BD REALTY TRUST,)
Plaintiff)
v.)
THE TOWN OF WAREHAM acting by)
and through the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM, and the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM,)
Defendants)

AFFIDAVIT ACCOMPANYING BILL OF COSTS

I, Kristen M. Ploetz, Esq. hereby on oath depose and state as follows:

1. I am an attorney duly authorized to practice law in the United States District Court for the District of Massachusetts.
2. I am legal counsel of record for the Plaintiff, Barbara Deighton Haupt, Trustee of BD Realty Trust, in the above-referenced matter.
3. I have personal knowledge of the costs incurred in this action.
4. The costs incurred in this action are itemized in the Itemization of Costs which was prepared by me, and which is attached hereto as **Exhibit A**. The documentation supporting costs paid by Plaintiff are attached hereto as **Exhibit B**.
5. The fees for printing and copying as noted on the Itemization of Costs are no higher than what is generally charged for reproduction in the Boston area, and no more copies than what were actually necessary were reproduced.

6. The items and costs claimed in the Bill of Costs and the Itemization of Costs filed herewith are correct.
7. The items and costs have been necessarily incurred in this case.
8. The services for which fees have been charged were actually and necessarily performed in this case.

Signed under the pains and penalties of perjury this 3rd day of May, 2007.

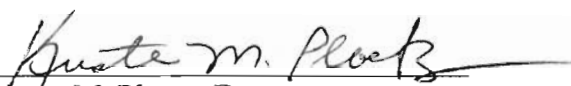

Kristen M. Ploetz, Esq.

EXHIBIT A

Barbara Deighton Haupt, Trustee of BD Realty Trust v. Town of Wareham et al.

C.A. No. 05-11745RWZ

Itemization of Bill of Costs

Itemization of Costs	Amount
<i>Fees of the Clerk</i>	
Filing Fee	\$250.00
<i>Fees for service of Summons</i>	
Service Fee of Plymouth County Sheriff's Office for two (2) Summonses	\$98.90
<i>Fees and disbursements for printing</i>	
Agreed Exhibits 4-9, 11, 14-19, 39, 50-52 @ \$0.10/page (in-house)	\$15.70
Agreed Exhibits 1-3, 10, 13, 42 @ \$4.50/page (Kinko's)	\$36.00
Agreed Exhibits 46-48 @ \$ 5.00/page (B. McKenzie)	\$15.00
Agreed Exhibits 21C & 21D	\$130.00
Agreed Exhibits 21E & 21F	\$148.00
Deposition Transcript - Barbara Deighton Haupt	\$185.10
Deposition Transcript - Richard Dennis	\$531.00
Deposition Transcript - Michael Giaimo	\$202.25
Deposition Transcript - Bradley C. McKenzie	\$194.50
Deposition Transcript - Robert Daylor	\$662.70
Deposition Transcript - Steven Elliott	\$288.00
Deposition Transcript - Lenore White	\$300.25
Deposition Transcript - Mark Bobrowski	\$246.60
<i>Fees for witnesses</i>	
One Day Trial Testimony of Steven G. Elliott	\$40.00
One Day Trial Testimony of Lenore White	\$40.00
Mileage for Lenore White (19 miles @ \$0.325/mile)	\$6.18
Common carrier costs for Lenore White (commuter rail)	\$15.00
One Day Trial Testimony of Bradley C. McKenzie	\$40.00
Mileage for Bradley C. McKenzie (60 miles @ \$0.325/mile)	\$19.50
Parking fee for Bradley C. McKenzie	\$9.00
TOTAL COSTS	\$3,473.68

EXHIBIT B



FedEx Kinko's
2 Center Plaza
Boston, MA 02108-1906
(617) 973-9000

3/29/2006 3:05:42 PM EST
Trans.: 9078 Branch: 0272
Register: 002 Till: mk81411
FedEx Member: Mohamed K.

INVOICE



* 0 2 7 2 0 0 2 9 0 7 8 *

Official bill of Sale
Terms Net 30 Days
Please Reference Invoice # 027200003059

Account #: 00004357560001
Authorized User: JEFFREY ANGLE
Organization: JEFFREY T ANGLE PC
Reference: dita002
Signee: Kristen Polatz
Signee Phone: (617) 367-8787

ES OS 24x36 27.00 T
2172 6.00 @ 4.5000

Sub-Total	27.00
Deposit	0.00
Tax	1.35
Total	28.35
CAS Account	28.35

Total Tender	28.35
Change Due	0.00

I am an authorized agent of the company
and my signature
authorizes the company to pay for all it
ems reflected
on this invoice

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5/1/2006 9:01:18 AM EST
Trans.: 1164 Branch: 0272
Register: 002 Till:mk83259
Team Member: Mohamed K.
Customer: Kristen Ploetz
Organization: JEFFEREY T ANGLE PC

INVOICE



* 0 2 7 2 0 0 2 1 1 6 4 *

Official bill of Sale

Terms Net 30 Days

Please Reference Invoice # 027200003715

Account #: 00004357560001
Authorized User: JEFFREY ANGLE
Organization: JEFFEREY T ANGLE PC
Reference: ditn002
Signee: Kristen Ploetz
Signee Phone: (617) 367-8787

Copies for Kristen 59.04
2 @ 29.5200

FS C SS 8.5x11/14 32.04 T
0173 36.00 @ 0.8900

FS OS BW 24x36 Bond 27.00 T
0278 6.00 @ 4.5000

Sub-Total 59.04
Deposit 0.00
Tax 2.95
Total 61.99
CAS Account 61.99

Total Tender 61.99
Change Due 0.00

I am an authorized agent of the company
and my signature
authorizes the company to pay for all it
ems reflected
on this invoice.

Kristen Ploetz

From: Bradley C. McKenzie [bmckenzie@mckeng.com]
Sent: Wednesday, April 25, 2007 4:10 PM
To: kploetz@Phillips-Angley.Com
Cc: JAngley@Phillips-Angley.Com
Subject: RE: B. D. Haupt v. Town of Wareham - Fee for Plans

Kristen: Do you want an invoice for all work done to date? Typically we would bill reproduction thru invoice. A color copy would usually run \$5 per sheet.

TX, Brad

-----Original Message-----

From: Kristen Ploetz [mailto:kploetz@Phillips-Angley.Com]
Sent: Wednesday, April 25, 2007 10:08 AM
To: Bradley C. McKenzie
Cc: 'JAngley@Phillips-Angley.Com'
Subject: B. D. Haupt v. Town of Wareham - Fee for Plans

Brad: We are preparing a Bill of Costs to file with the Court so that our client can recoup some of her trial costs. Could you please tell me what the cost per copy of the large Revised E-1, C-2 and C-3 plans was so that we can itemize accordingly. Thanks! - Kristen

Kristen M. Ploetz, Esq.
Phillips & Angley
One Bowdoin Square
Boston, MA 02114
Phone: (617) 367-8787
Fax: (617) 227-8992

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4/27/2007

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✓ Joyce
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20 x 24 Photo \$110.00

24 x 30 Photo \$135.00

8-16-06

Name: BARBARA DEIGHTON HAYPT Photo # M 345-418

BD REALTY TRUST

M 345-419

Address: 200 SOUTH SHORE RD. Size 16x20

City/State SALISBURY, CT 06068 Quantity 2

Phone # 860-824-7851

Total Enc. \$130.00
 (Check or M/O)

(New York State Residents Include Sales Tax)

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 Fred EX

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RE: Barbara D. Haupt VS Town of Wareham, et Al

58 PAGES @ \$2.45

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\$35.00

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22864	09/19/2006	01-20650
JOB DATE	REPORTER(S)	CASE NUMBER
08/25/2006	KELLKR	
CASE CAPTION		
Barbara Deighton Haupt v. Town of Wareham Board of Sel		
TERMS		
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Richard J. Dennis, Sr.
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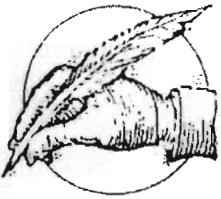
Description	Qty	Rate	Total
BD Realty vs. Town of Wareham, et al Depo. of Bradley C. McKenzie			
1 Certified Transcript	53.00	2.75	145.75
ASCII Disk & Mini w/word index (enc.)	1.00	40.00	40.00
S/H	1.00	8.75	8.75
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JOB DATE	REPORTER(S)	CASE NUMBER
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CASE CAPTION		
Barbara Deighton Haupt v. Town of Wareham Board of Sel		
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Robert Daylor

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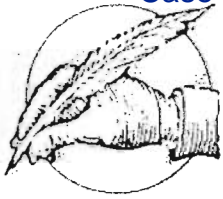
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23946	11/28/2006	01-21686
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11/02/2006	FALCCI	
CASE CAPTION		
Barbara Deighton Haupt v. Town of Wareham Board of Sel		
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Date : 11/28/2006

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Amount to Charge: _____

Exp. Date: _____ Phone #: _____

Cardholder's Signature: _____

Kristen Ploetz

From: lenore@wetlandstrategies.com
Sent: Wednesday, April 25, 2007 12:08 PM
To: kploetz@Phillips-Angley.Com
Subject: Re: B. D. Haupt v. Town of Wareham - mileage/parking fees

\$15.00 for cost of commute on MBTA and 18.5 miles to and from commuter rail station. I bill mileage @.048/mile which I understand may be different from court allowance.

>
> On Wed, 25 Apr 2007 10:14:00 -0400
> Kristen Ploetz <kploetz@Phillips-Angley.Com> wrote:
>> Lenore and Brad: We are itemizing our client's costs for litigation
>>in order to file a Bill of Costs with the court which will allow her
>>to recoup some of her costs.
>> Kindly let me know how much you paid for parking on the day you
>>testified, as well as the mileage driven to and from the court
>>(approximate). Thanks. - Kristen

Kristen Ploetz

From: Bradley C. McKenzie [bmckenzie@mckeng.com]
Sent: Wednesday, April 25, 2007 4:12 PM
To: kploetz@Phillips-Angley.Com
Subject: RE: B. D. Haupt v. Town of Wareham - mileage/parking fees

Kristen: I dont recall the fee - it was in lot directly adjacent to court - approx. 2 hours. Mileage would be approx. 60 miles roundtrip.

TX, Brad

-----Original Message-----

From: Kristen Ploetz [mailto:kploetz@Phillips-Angley.Com]
Sent: Wednesday, April 25, 2007 10:14 AM
To: Lenore White; Bradley C. McKenzie
Cc: 'JAngley@Phillips-Angley.Com'
Subject: B. D. Haupt v. Town of Wareham - mileage/parking fees

Lenore and Brad: We are itemizing our client's costs for litigation in order to file a Bill of Costs with the court which will allow her to recoup some of her costs. Kindly let me know how much you paid for parking on the day you testified, as well as the mileage driven to and from the court (approximate). Thanks. - Kristen

Kristen M. Ploetz, Esq.
Phillips & Angley
One Bowdoin Square
Boston, MA 02114
Phone: (617) 367-8787
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4/27/2007